

# THE MARTHA'S VINEYARD COMMISSION

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## Minutes of the Special Meeting of August 7, 2003

Held in the Olde Stone Building,  
33 New York Avenue, Oak Bluffs, MA

### IN ATTENDANCE

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**Commissioners:** James A. Athearn, Chairman (Elected – Edgartown), John Best (Elected – Tisbury), Christina Brown (Elected – Edgartown), Linda DeWitt (Appointed – Edgartown), Jane A. Greene (Appointed – Chilmark), Tristan Israel (Appointed – Tisbury), Katherine Newman (Appointed – Aquinnah), Megan Ottens-Sargent (Elected – Aquinnah), Bob Schwartz (Appointed – West Tisbury), Doug Sederholm (Elected – Chilmark), Linda Sibley, (Elected – West Tisbury), Paul Strauss (Appointed – County), Richard Toole (Elected – Oak Bluffs)

**Staff:** Mark London (Executive Director), Jennifer Rand (DRI Coordinator), David Wessling (Transportation Planner), Bill Wilcox (Water Resources Planner), Jacqueline Campbell (Staff Secretary), Christine Flynn (Regional Planner), William Veno (Senior Planner)

### 1. JENNEY LANE (DRI No. 573) – PUBLIC HEARING

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*Christina Brown, who lives near the subject property, abstained from the discussion and vote on this DRI and left the room.*

*Commissioners present: J. Athearn, J. Best, J. Greene, L. DeWitt, T. Israel, K. Newman, M. Ottens-Sargent, B. Schwartz, A. Schweikert, D. Sederholm, L. Sibley, P. Strauss, R. Toole*

*Representatives for the Applicant: John Abrams of the South Mountain Company, Andrew Grant, Project Engineer, Sourati Engineering Group, Inc.*

There being a quorum present, Richard Toole, Hearing Officer, opened the Public Hearing at 7:41 p.m. and read the Notice of Public Hearing.

#### 1.1 Applicant's Presentation

John Abrams presented a 10-minute video from the Island Affordable Housing Fund (IAHF) on the need for affordable housing on the Vineyard. He then explained the project.

- The IAHF proposes to create ten, permanent-housing opportunities. To do this project requires donations of nearly \$1 million.
- The project started with Ralph and Olivia Jenney who wanted to sell half of their acreage in Edgartown to IAHF at a substantially discounted price
- The Jenney's have four buildings on the property.
- The project is to divide the property into six lots.
- The total number of proposed houses on this property is thirteen (13). There will be ten single-family homes, and three homes for the Jenney family. There will be no further subdivision of this property.
- Town water and sewers will serve the development. Town sewer access will also be provided to the Dukes County Regional Housing Authority (DCRHA) for the Fisher Road Apartments and access will be available for some Curtis Lane abutters.
- The access will be from Pine Street and Fisher Road.
- This project is designed to meet a range of affordable housing interests. Edgartown residents will be given a preference to three of the houses; two houses for the neighborhood – allowing renters of the DCRHA apartment to become homeowners - and perhaps one for Habitat for Humanity. The remaining seven will be sold island-wide by lottery.
- The lot sizes are approximately +/- 5,000 SF. All houses have full cellars. There are no garages.
- Individual outdoor storage and trash areas are provided at the parking areas that are located at the periphery.
- There are several open spaces, and a shared playground and basketball court with Fisher Road Apartments.
- The proposed homes will sell from \$120,000 to \$280,000, with permanent affordability restrictions monitored DCRHA.
- Under the new proposed changes to 40B, eight of these houses will count toward Edgartown's 10% factor.
- There have been several public meetings over the past two years with people in the neighborhood, as well as one-on-one meetings. IAHF has tried to address as many people's concerns as feasible:
  - Early on we heard about the need for sewerage of the neighborhood -- this is beyond the scope of the project.
  - Widen both Curtis Lane and Pine Street -- this is beyond the scope of the project.
  - Put parking in the center of the project -- the proposed parking area would hardly be visible from Pine Street.
  - Abutters requested fencing and screening, which IAHF has agreed to do.
  - Make individual lots and sell them. This chaotic development suggestion would not be desirable, nor acceptable to the Jenney's.

- Have a driveway and parking area for each house. This would sacrifice some of the open space. We believe this would not be the best use of this property.
- Concerns about fuel trucks already going through the neighborhood; a few calls took care of this problem. The trucks no longer go through the neighborhood.
- A power pole immediately to the side of the Curtis Lane intersection with Main Street is a major hazard and NStar wouldn't move. We heard back from NStar and they have agreed to move it provided the Town of Edgartown is in agreement.
- IAHF will continue to do what they can to mitigate the project and make the best housing project.

**Andy Grant**, Project Engineer, Sourati Engineering Group, described the traffic impacts of the proposed development:

- The main road is Upper Main Street. The area is defined by Pine Street and Curtis Lane that create a loop. They both have gas stations and convenience stores at their intersections with Main Street. Finally, Fisher Road is currently unimproved and very narrow.
- Upper Main Street has over 20,000 vehicles per day, at peak hour over 1,500 vehicles. The peak is only 7% of the total.
- New traffic counts were done on side streets. There were approximately 1,000 cars per day on Pine Street and Curtis Lane, and about 100 vehicles at peak hour. Curtis Lane has Edgartown Golf at the road's end, Pine Street has more residences.
- He estimated the new traffic:
  - Trip generation rates varied between 8 and 13 trips per day depending on the location.
  - He used 10 trips per day based on its location and likelihood of walking trips, and assumed that 15% would be at peak hour, i.e. 18 trips, 9 in and 9 out.
  - He also assumed that the trips would be divided between the two access points and calculated the impact on the adjacent intersections.
  - Curtis Lane and Pine Street and the other end of Fisher road, is now an LOS of A and with building would remain as A.
- Pine Street and Upper Main Street – The calculated delay is presently 30 seconds to take a left, or a LOS of D (within the realm of good operation). On observation, sometimes it is very jammed up and sometimes completely clear. Adding an additional 10 trips would add 2 or 3 seconds and it would remain at the same LOS level.
- Curtis Lane and Upper Main Street – Present theoretical delay of upwards of 40 seconds or LOS of E.
- The total impact is less than 1% increase of Upper Main Street and is 12% on the side streets.
- For mitigation, he proposed that the applicant establish stop signs at intersections, and do roadside trimming. Elsewhere in the neighborhood, there could be additional trimming, e.g. on Pine Street where the effective width is only 16' at points.

- Though streets are narrow, they have the capacity to handle the traffic. This is the last phase of buildout in the neighborhood since this is the last large site. Parking is all off-street.
- He looked at the option of bringing the traffic through the existing drive and exiting directly onto Main Street. The existing intersections can handle this. A big problem on Main Street are turning movements and it is not desirable to have additional major entrances.

**Doug Sederholm** asked about access for emergency vehicles. In response, **Andrew Grant** proposed to use Fisher Road after enlarging it. The town usually requires 16 or perhaps 18 feet. **Doug Sederholm** noted that this would involve cutting down a tree. **John Abrams** said that Jenney Lane would be accessible and emergency vehicles will be able to drive through the whole development.

**Megan Ottens-Sargent** questioned the possibility of having individual parking to reduce the impact on abutters, especially on the Curtis Lane side. **John Abrams** explained that the parking is completely screened from the neighbors with fences, sheds and vegetation. He said that if there was parking in the internal part of the project, since it is a small site, the central portion would end up being paved, leaving little green space.

**Paul Strauss** asked about Town sewer and water availability to the development. **John Abrams** explained that the applicant would bring these services from Main Street.

**Paul Strauss** questioned if the houses would be expanded. **John Abrams** answered that the houses will stay the size they are.

**Jim Athearn** wondered about the danger of paving the road leading to traffic speeding up. **Andrew Grant** answered that it was not a through road and should not attract much traffic. He recommended not putting in speed bumps for now, but that they could be added in the future.

**Jim Athearn** questioned the possibility of keeping Curtis Lane at 14'. **Andrew Grant** said that it should be at least 16' wide. He looked at the possibility of making it a one-way, but this would lead to more traffic going around the neighborhood.

**Megan Ottens-Sargent** commented about the fact that the LOS at the intersection was almost F, and asked what would the mitigation be. **Andrew Grant** said that he would recommend eliminating the utility pole and better delimiting the road and gas station properties for safety reasons.

**Tristan Israel** asked whether this meant that the next project would push this intersection into the F range and how the skewed four-legged configuration played into the picture. **Andrew Grant** said that the fact that Pine Street and Edgartown/West Tisbury Road is not aligned leads to problems, and that the amount of traffic estimated is the worse case scenario at the busiest time of the day, with high estimates of traffic generation and a considerable number of left turns.

**John Best** asked about how the project will tie into the sewer line. **John Abrams** said that it will come in from Main Street along the Jenney's driveway and extend along the Curtis Lane side of the property at one point to allow for some limited sewer service along that street.

**John Best** asked about housing affordability. **John Abrams** responded that there would be 4 houses at 80% or less of median income; 2 houses at 100% of median; 3 houses at 120% of median and 1 house at 140% of median. If Habitat for Humanity built one of the houses, it would be for below 60% of median income.

**Jim Athearn** asked about possible future development in the area. He pointed out that a single house could be rented out and have ten individual people that would live in it.

**Jane A. Greene** asked about handicapped accessibility. **John Abrams** answered that the handicapped would have universal accessibility, but will not be handicapped accessible. He said that the main construction could be made to accommodate handicap access if necessary.

**Megan Ottens-Sargent** asked how costly it would be for the Town to provide sewer service for the entire neighborhood. **John Abrams** said the Town has a plan that would cost about a million dollars. The applicant's sewer lines would not require a pumping station.

**Linda DeWitt** asked why there were so many sheds since the proposed homes were to have cellars. **John Abrams** answered that they had no garages and people need a place for their bikes and mowers and such.

**Doug Sederholm** asked if the Fire Department had been consulted with about emergency access. **John Abrams** said that they have had the plans for a while and have not indicated that there was any problem

**Doug Sederholm** asked whether the applicant had considered the possibility of making the intersections two-way stops as traffic mitigation. **Andy Grant** said that this is not warranted, but could be done if it became a problem. If it had been a big commercial project, it might have been proposed.

In response to a question from **Jane A. Greene** about who owned Fisher Road, **John Abrams** said that the ownership of Fisher Road was not clear.

## **1.2 Staff Reports**

**Jennifer Rand** said that most of the content of the staff report had been covered. She noted that the lighting timing should be clarified for the eight-foot pole light near the playground.

She also noted that there was a 50' setback for cluster housing which the Edgartown Planning Board could waive.

Letters in support had been received from Town of Edgartown Board of Selectmen, Edgartown Resident Homesite Committee, Town of Edgartown Board of Health, Edgartown Police Department, Habitat for Humanity and Dukes County Regional Housing Authority,

The Police Department commented that the increased number of vehicles generated from the housing development would not pose a great impact on the neighborhood.

There have also been letters from abutters expressing concern, and some of support.

**Megan Ottens-Sargent** asked if a letter from the Edgartown Fire Department was included.

**Jennifer Rand** said she would follow up with the Edgartown Fire Department tomorrow.

**Bill Wilcox** said that wastewater and water supply would be town systems. The only impact would be from landscaping. Nitrogen loading was not an issue. Roof runoff would go into the landscaping and parking areas through catch basins and leaching pits or through diffusers. He requested the results of a percolation test from the Applicant. He commented that the landscape plantings were native so minimal maintenance would be required, and recommended that only slow release sources of nitrogen fertilizer be used.

**John Best** referred to a comment in the letter from the Edgartown Board of Health about percolation. **Bill Wilcox** is to obtain more specific information.

**David Wessling** said that in order to assess the project's traffic impact, additional information is needed. A list of topics needing clarification were included in his written review of the project.

**Tristan Israel** said that, until the Commission has a clear analysis and policy on incremental growth, it is difficult to deal with an individual project. **Mark London** noted that the Commission had used the criteria of very high traffic generation as a detriment, such as convenience stores or gas stations.

**Linda Sibley** noted that much of the correspondence suggested that the Jenneys' driveway be used instead of Fisher Road and Curtis Lane. She commented that with the impact on Main Street she understood from Andrew Grant that this would be worse. She asked David Wessling about the impact. **David Wessling** said that he thought that the Main Street intersections should be modeled as four-way intersections rather than three-way. He also stated that as the applicant did not model the alternative of a Main Street access, the Commission could not evaluate whether that location would be better or worse.

### 1.3 Town Boards

**Alison Cannon** of the Edgartown Planning Board reported that the board supported the project, stated that they appreciated John Abram's contribution to affordable housing and that they supported the general concept.. The housing is close to town and public services. There were some concerns about emergency access to Main Street.

**Alan Gowell**, chairman of the Edgartown Resident Homesite Committee, clearly supported the project. He said that for the four houses on Metcalf Road the committee had made available, 50 people picked up applications.

### 1.4 Public Testimony in Favor

**Ted Morgan** said that we must recognize the critical need for housing and would hope that when these proposals are brought before the MVC and other boards, they find a way to improve them, conditioning them as necessary. The Edgartown Planning Board is on the verge of accepting a proposal for a 55-unit rental project that will be submitted to the MVC. This small project (before the commission) will not have much impact on traffic. The only reason the town didn't go ahead with the \$5million sewer project is their reluctance to increase town debt, but private projects can pay to link connect. The need for affordable housing is great. Edgartown has lost 100 students from its school. People cannot afford to live here.

**Peter Lally** of 21 Curtis Lane is a direct abutter. Though he would love to see the woods remain, he knows people that need affordable housing. It is in his backyard and he supports the project.

**Michael Lynch** was one of the winners of the IAHF lottery for the Metcalf houses. He couldn't speak on the traffic issue, but of the positive impact on people. If John Abrams is involved, the project will be one of quality workmanship.

**Philippe Jordi**, DCRHA Executive Director, had submitted a letter of support. He noted that the project was well designed and reinforced a downtown area. The housing authority worked

with IAHF on the playgrounds and to obtain a sewer link up for the Fisher Road Apartments. The tenants are in support of the project.

**Michael Delis** supports the project. He works for the Town of Edgartown and noted that starter homes are listed for \$380,000.

**Nancy Shemeth**, an abutter on 17 Curtis Lane, said that the house had been in the family for 50 years. Since 1992 she has lived there year-round and is in favor of this affordable housing project.

**Bethany Wilkens** was very thankful to have been awarded one of the Metcalf houses, otherwise she would not have been able to live here. The housing project is needed.

**Sarah Powell** is a resident of Fisher road. She had lived on the Island for 20 years and came close to leaving because of unaffordable housing. Thanks to Dukes County Regional Housing Authority she hopes she will never have to leave.

### 1.5 Testimony in Opposition or with Concerns

**G. C. Esposito** had concerns about safety on Curtis Lane. He has seen five accidents in the past few years, and has had fences and hedges taken out (by vehicles). Curtis Lane is a small road with a lot of traffic; people drive down it as if it were a highway. This development will add traffic in the neighborhood. How can it be made safer?

**Nelson Smith** has lived on Curtis Lane for over 30 years. His main concern is traffic. Curtis Lane and Pine Street are substandard streets. Pine Street has a little sidewalk on it. As a pedestrian, he has been brushed by a car's side mirror. It is a very narrow road with obstacles. His parents sold the land for the Fisher Road Apartments. At the intersections of Fisher Road, cars cut the corners of the properties. He placed a concrete post in the corner to prevent people from cutting the corner that worked for many years, but the post was broken off last year. To avoid the post, turning traffic went into the opposite lane or onto other properties. There should be a consideration of pedestrian and bicyclist movements, too. The pole at the end of Curtis Lane works as a silent policeman, slowing people down. He is not sure whether they could create 23 lots since parts of the land are not usable. The land has five access points and they put the access on the two worst streets, some of the worst on the Vineyard.

**David Wiley** lives on Pine Street, has submitted two letters and collected an additional 60 signatures. The neighbors generally support the project but are of the opinion that access should go out to Main Street via the Jenney lot. A child was killed in the past, when the street and cars were smaller. He is concerned about paving the street and thinks that fire trucks will not be able to negotiate the corners, some of them blind because of fences. It would be better to lessen the number of houses and provide access directly to Main Street. There are other lots in the general area that could be built upon, adding more traffic. There are trucks that park in the road to service the jail and convenience stores.

**Jamal Browne** has been on the island for eight years and owns two businesses. He lives in the Fisher Road Apartments. He doesn't like the project layout with the parking area far from the houses. Adding the road between the Fisher Road houses would make it too congested. He applied to Metcalf lottery, but would not apply here without the parking space right next to the house. He is a car enthusiast. He suggested that a sign be installed at the entrance of Curtis Lane saying that this is not a through street.

**Ed Rodgers** lives on 11 Pine Street and noted that the proposal is for 10 houses on 2.5 acres. He lives across from the jail parking lot; and said that the traffic counters missed the traffic that came to service the jail. He said he would not classify Pine Street and Main Street as a "D" LOS, but an "F."

**Sylvia Thomas** lives at 40 Curtis Lane. She said she knew of seven vacant lots, and that there are others that could be subdivided. The traffic study missed nine houses plus the Mobil Station traffic. She submitted photos showing traffic problems, such as unloading trucks. There are many cars from the golf course, large homes that have many cars. Children play in the road. The cars shine lights into her house and she has no room for screening. She described several incidents of trucks and cars causing problems.

**Tom Benedict** asked what kind of restrictions, such as building sheds, would there be on the people who bought the houses. He commented that the traffic report did not address the traffic lines for gas.

**Joan Yale**, of Curtis Lane, said that the traffic is challenging. It is dangerous to walk to Stop and Shop. The trucks park in the road.

**Peter Clark**, of 70 Pine Street, said this might be a good plan for affordable housing but that he would like to see the plan reworked, that the project was too much at the expense of nearby homeowners. The traffic study needs to look at the cumulative impact. Also, we have to look at the cumulative impact of affordable housing on the neighborhood that it is impacting, the single-family nature of the area. The traffic study said that Curtis Lane should be 16' wide for two-lane traffic, but parts of Pine Street are only 14' wide. He commented that the sewer line was a private line and would be surprised if the Town would be agreeable for the line go through private property.

**Michael Brady**, has lived in Edgartown for 30 years, and lives at 71 Pine Street. He wants to know whether people can buy them as investments and rent them out to more than one family per home.

**Paula Foss**, 53 Curtis Lane, wanted to know who would manage the project and wanted to know the covenant rules. She thinks the layout is inconvenient for people who live there, for example, mothers with small children in the winter. She wonders whether there would be large gatherings, parties and noise in the common areas. She was concerned about access for the fire engines. She wondered if there would be a sewage recycling station and if speed limit signs could be put up? She was concerned about the odor of garbage behind the Fisher Road Apartments. She would like the project downsized by five houses and to have access through the Jenney property.

**Stephen Warriner**, 39 Pine Street, said that if it is affordable, it must be affordable forever, protected by covenant. Parking lots are not characteristic of the neighborhood; everyone should have his or her own parking space. There is a traffic problem; you have the solution; use it.

**Kathy Murray**, of Pine Street, said that the traffic was outrageous. She was not sure that cluster housing was a good idea, since the area was already congested. She commented that there was a lot of land on the Edgartown/West Tisbury Road that could be developed. It would be better if the traffic from this project went right out to Main Street.

**Tom Benedict** commented that individual driveways would be a good idea. Individual owners should be able to do what they want to do with their houses; he was concerned that this project would be over-managed.



**David Wiley** said that one of the arguments about not having individual parking is that it would eliminate green space, but this could be solved with reducing the number of houses. Each homeowner could have their own individual garbage and be responsible for it. This would do away with the problematic common garbage area.

**Sonny Andrews**, of Fisher Road, said the rat problem from the Fisher Road Apartments is a big problem. The Housing Authority said they would address this.

### 1.6 Members of the Commission

**Doug Sederholm** asked staff to do a study of buildout of the neighborhood and its impact on traffic for the next five years. He would like to know whether the intersection could be analyzed as a four-legged rather than a three-legged intersection. **Richard Toole** said that LUPC had agreed that there was no need to do a more extensive traffic study since one had already been done.

**Doug Sederholm** asked whether the size of the sewer line could be larger. **John Abrams** said that it was the largest possible with a gravity system. If a pumping station is added, the capacity could be increased but the town of Edgartown will put in a sewer system when they are ready.

**Megan Ottens-Sargent** asked whether staff could analyze the possibility of having the road across the Jenney property. **John Abrams** said that this is not an option; the land is simply not available. If the Commission requires it, there will be no project.

**Mrs. Jenney** said that part of the Regional Transportation Plan said that the Triangle area in Edgartown would be studied, but it was not included in this year's cycle.

**Jim Athearn** asked whether the project could contribute their sewer budget towards implementation of the city's sewer plan for the neighborhood. **John Abrams** said that this was possible, but that the Town was not prepared to move ahead in the near future. **Ted Morgan** said that there had been sewer plans prepared but it was not brought to the voters because of the debt issue (*referred to in his earlier testimony*).

**Tristan Israel** asked how the houses would be allocated. **John Abrams** said there would be a seven-year residency requirement for the homes reserved for Edgartown residents, as per the Edgartown Resident Homesite Committee. The Housing Authority would make the rest of the selection, based on its standard process. If Habitat for Humanity participates, it would select its own person.

**Jane A. Greene** asked about sheds and trash.

### 1.7 Applicant's Conclusion

**John Abrams** responded to the questions.

- Management will be by an owners association.
- The covenants, by and large, will say: no building expansion; income restrictions; restrictions on renting short-term, so it will be year-round residential use only; no businesses except unadvertised home offices; no increase in number of bedrooms.
- The sewer line runs where it is because the sewer department asked for it to be there.

- In terms of the home design elements, they are time tested and work well. No one is obliged to buy here but people will be lining up.
- Much of the complaints are about the existing neighborhood.
- The Police Chief said there are few traffic accidents or problems; no accidents deemed to be caused by road conditions.
- Half of the people on the Vineyard live on narrower roads, where people have to pull over to let other cars pass.
- Everyone says they favor affordable housing, but there is no perfect place and there is no place where people will not say "I'm in favor of affordable housing, but not here."
- Traffic is not a big problem on the side streets, but it is on Main Street and that is where people are suggesting the traffic should go.
- Every project has burdens. Can we accept these inconveniences to achieve this socially beneficial project?
- The immediate abutters along 75% of the perimeter are in favor.
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- There are agreements with the Jenney's that will not be violated. They are allowing this activity in the back yard and it is not reasonable to ask them to give up their front yards as well.
- It would be good to get a better bike and pedestrian path to Main Street but there is no way.
- There are some neighbors who are in favor but are reluctant to express their opinions.
- The housing needs study indicated that there is a need for 1,000 protected affordable houses. If there is a pitched battle over every 10-unit project, this will be difficult to achieve.
- David McCullough has said that it should be socially unacceptable to live on the Vineyard and not make a contribution. This project is for the people who live here year-round and make it work.
- The Edgartown Selectmen, including one who lives on Pine Street, supported the project unanimously.
- The Commission has much more information about this project than they did for the Bridge Housing Project that the Commission approved.
- There is no common garbage area. Residents can keep their garbage in their house or in their individual, lockable sheds. There are two storage sheds; each being 10' x 48', having six individual locked storage areas.

*At 10:50 p.m., Richard Toole, Hearing Officer, adjourned this session of the Public Hearing and continued the hearing until August 21, 2003.*

## 2. UPCOMING LUPC MEETINGS

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Jennifer Rand announced the following LUPC Meetings:

- August 11, 2003, Post Public Hearings on Aidylberg II and Woodside VI.
- August 18, 2003, Continued Pre-Public Hearing on Humphrey's Bakery and a Modification Request for Beach Road Realty Trust.

## 3. ADOPTION OF MINTUES

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- **Jane A. Greene** said that on page 3, under section 1.4 that it should read, "at the ZBA meeting last year"; page 4 should read "Jane A. Greene said that these requests are to accommodate our elderly in an appropriate matter"; on page 5 in Bill Wilcox's report it should read "for" the sewage rather than "from".; JET Construction portion did not need the question, and that it needed to be shortened and remove the lone "t," after Linda Sibley.
- **Jim Athearn** s commented that the reference to the history of the usage of cupolas should not refer solely to Martha's Vineyard, but to the United States.

*Tristan Israel moved and it was duly seconded that the minutes of July 10, 2003 be adopted as amended. Voice vote: In favor: 9. Opposed: 0. Abstentions: 4.*

*The Meeting adjourned at 11:00 p.m.*

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Chairman

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Date

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Clerk-Treasurer

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Date